IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 23810 of 2007(H)

PETITIONER:

RAKHI.N., LECTURER IN SOCIOLOGY,
ZAMORIN'S GURUVAYOORAPPAN COLLEGE, CALICUT-14.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION, VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, NORTH ZONE, CALICUT.

4. THE UNIVERSITY OF CALICUT, REPRESENTED BY THE REGISTRAR, CALICUT UNIVERSITY, THENHIPALAM P.O., MALAPPURAM DISTRICT.

5. ZAMORIN RAJA OF CALICUT, THE EDUCATIONAL AGENCY OF ZAMORIN'S GURUVAYOORAPPAN COLLEGE, CALICUT-2.

6. THE PRINCIPAL, ZAMORIN'S GURUVAYOORAPPAN COLLEGE, CALICUT-14.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.23810 OF 2007

Dated this the 13th day of August, 2007

JUDGMENT

Petitioner is seen to have been appointed as Lecturer in the Department of Sociology in Zamorin's Guruvayoorappan College, Calicut, in terms of Ext.P1 order dated January 9, 2006. It is also seen from Ext.P2 order passed by the University of Calicut that her appointment was approved pursuant to the decision of the Standing Committee of the Syndicate on Staff of Affiliated Colleges at its meeting held on January 10, 2007. Learned counsel submits that in view of Ext.P2 order dated February 19, 2007 passed by the University, respondent no.3 was not justified in refusing to countersign the salary bill of the petitioner when it was forwarded by the Principal. He invites my attention to the latest decision of a Division Bench of this court in Writ Appeal No.940/07 and connected case. There is considerable force in the contention raised by the petitioner.

2. Therefore, the writ petition is disposed of with a direction to respondent no.3 to pass appropriate orders on the request for release of salary of the petitioner in the light of the judgment

referred to above. It will be open to respondent no.3 to revert back to the University in case he is of the view that petitioner's appointment was approved without reference to the workload in the college and also if, according to him there is excess staff.

3. Respondent no.3 shall approach the University in this regard within one month from the date of receipt of a copy of this judgment. Anyhow, it shall be ensured by respondent no.3 that salary bill of the petitioner is countersigned and salary disbursed to her as expeditiously as possible at any rate within an outer limit of three months from the date of receipt of a copy of this judgment, if there is no other legal impediment. If respondent no.3 seeks any clarification in the matter, the University shall ensure that appropriate clarifications are issued within one month from the date of receipt of any such communication.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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